REMARKS/ARGUMENTS

Restriction Requirement

The Office Action has set forth a restriction requirement that restricts the claims into 12 groups (i.e., Groups I-XII). Additionally, the Office Action requires that Applicants further elect the nucleic acid of SEQ ID NO: 1 or SEQ ID NO: 3 if Group I or II is elected for prosecution, or the polypeptide of SEQ ID NO: 2 or SEQ ID NO: 4 if one of Groups III-XII is elected for prosecution.

Claim Election

Applicants elect, with traverse, the claims of Group VIII (claims 18-21 and 35) and SEQ ID NO: 2. Claims 18-21 and 35 are generic to (i.e., encompass) SEQ ID NO: 2. Reconsideration of the requirement for restriction is respectfully requested.

Discussion of Claim Election

The subject application is the U.S. national stage of International Patent Application No. PCT/JP02/13757. The Office Action alleges that the inventions defined by the claims of Groups I-XII do not relate to a single general inventive concept under PCT Rule 13.2 because they lack the same "special technical features." Under PCT Rule 13.2, a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. PCT Rule 13.2 defines the term "special technical features" as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art (see M.P.E.P. § 1893.03(d)).

The claims of Groups I-XII are linked so as to form a single general inventive concept. In other words, the claims of Groups I-XII share a common special technical feature, which defines the contribution that each claim makes over the prior art. In this respect, the claims of Groups I-XII recite therapeutic agents that regulate the G protein-coupled receptor (GPCR) 5D.

Given the special technical feature common to the claims of Groups I-XII, a search for prior art with respect to any of Groups I-XII would likely uncover references that would be considered by the Examiner during the examination of the other groups. As a result, the Examiner would incur no undue burden in examining the claims of Groups I-XII at the same

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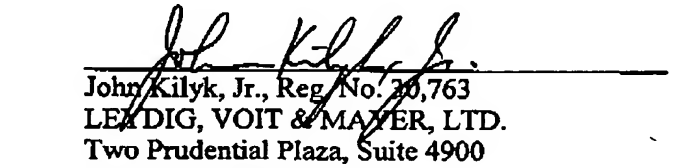
time. See M.P.E.P. § 803 ("If the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions." (emphasis added)).

At the very least, the Examiner should consider the claims of Groups VII-XII, which not only recite therapeutic agents that regulate the GPCR5D, but also collectively are directed to screening methods or systems or therapeutic agents obtained by the screening methods. For these same reasons, Applicants submit that an election of a polypeptide from the group consisting of SEQ ID NO: 2 and SEQ ID NO: 4 is not necessary, since the two sequences are orthologs (human and mouse, respectively) of GPRC5D.

In view of the foregoing, Applicants submit that the requirement for restriction regarding the group and sequence election is improper and should be withdrawn, and that the claims of Groups I-XII or, at the very least, the claims of Groups VII-XII should be examined together.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



John Kilyk, Jr., Reg. No. 30,763
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

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